

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK RONALD RUSSELL,)	4:09CV3249
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON, DENNIS)	
BAKEWELL, MELVIN ROUF,)	
CURTIS MOFFAT, MICHAEL)	
EDISON, and MARK DANNER,)	
)	
Defendants.)	

This matter is before the court on its own motion. On December 8, 2009, Plaintiff filed his Complaint in this matter along with a Motion for Leave to Proceed in Forma Pauperis (“IFP”). (Filing Nos. [1](#) and [2](#).) On December 11, 2009, the court granted Plaintiff’s IFP Motion and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [6](#).) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by January 10, 2010. (*Id.*)

It is now February 5, 2010, and Plaintiff has not paid the initial partial filing fee in this matter. (*See* Docket Sheet.) Therefore, Plaintiff’s case is dismissed for failing to comply with the court’s December 11, 2009, Memorandum and Order. *See Fed. R. Civ. Pro. 41(b); see also Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 (8th Cir. Sept. 21, 2004)* (affirming district court’s dismissal of inmate’s case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (filing no. 1) is dismissed without prejudice because Plaintiff failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 5th day of February, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge

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